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Patent
Attorney's Docket No. 016660-128

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Hoi-Sing KWOK et al.) Group Art Unit: 2674
Application No.: 09/071,202) Examiner: J. Lesperance
Filed: May 1, 1998) Confirmation No.: 5254
For: METHOD AND APPARATUS FOR)
DRIVING REFLECTIVE BISTABLE)
CHOLESTERIC DISPLAYS)

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AUG 28 2003

Technology Center 2600

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a Request for Reconsideration for the above-identified patent application.

☒ A Petition for Extension of Time is also enclosed.

☐ A Terminal Disclaimer and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee due under 37 C.F.R. § 1.20(d) are also enclosed.

☐ Also enclosed is/are _____

☐ Small entity status is hereby claimed.

☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$375.00 (2801) ☐ \$750.00 (1801) fee due under 37 C.F.R. § 1.17(e).

☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.

☐ Applicant(s) previously submitted ___, on ___, for which continued examination is requested.

☐ Applicant(s) requests suspension of action by the Office until at least ___, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

(05/03)

- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.
- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADD'L FEE
Total Claims	16	MINUS 20 =	0	× \$18.00 (1202) =	0
Independent Claims	2	MINUS 3 =	0	× \$84.00 (1201) =	0
If Amendment adds multiple dependent claims, add \$280.00 (1203)					
Total Claim Amendment Fee					0
If small entity status is claimed, subtract 50% of Total Claim Amendment Fee					
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					0

☐ A total fee in the amount of \$ _____ is enclosed.

☐ Charge \$ _____ to Deposit Account No. 02-4800.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: August 25, 2003

By: _____

John F. Guay

Registration No. 47,248

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REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated April 23, 2003, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims.

In the Office Action, claims 6-19 and 21 were rejected under 35 U.S.C. § 102(b), as allegedly being anticipated over U.S. Patent No. 5,274,484 to Mochizuki et al. (hereinafter "*Mochizuki*"). This rejection is respectfully traversed.

As instructed in MPEP § 2131: "To anticipate a claim, the reference must teach every element of the claim. 'A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)." It is respectfully submitted that the cited *Mochizuki* patent fails to disclose the combination of all recited features of independent claims 1 and 17, and hence also their respective dependent claims. For instance, the *Mochizuki* patent does not disclose the combination of claim 6 that includes, *inter alia*, a control means controlling a driving means to supply an initial voltage to pixels in a display to set all the pixels to the P (i.e., planar) state, and subsequently supplying sufficient voltage to selected pixels to

switch the pixels to the FC (i.e., focal conic) state. Claim 17 is directed to a method of driving a bistable cholesteric liquid crystal display that similarly recites subject matter not disclosed in the *Mochizuki* patent.

A fundamental difference between Applicants' claims and the *Mochizuki* patent is that the *Mochizuki* patent does not set pixels to the P state and switch desired pixels from the P state to the FC state. Rather, *Mochizuki* describes a bistable display that uses the H state and the FC state of a cholesteric liquid crystal. (See, *Mochizuki*, Figure 5 and column 8, lines 20-56.) More specifically, *Mochizuki* is directed to obtaining a continuous grey scale in the H state by stretching the helix of the FC state by way of an applied in-plane voltage. (See, Figures 6B and 7 and column 10, line 25 to column 11, line 16.)

The H state is, in fact, the homeotropic state in which the liquid crystal is homeotropically aligned. It is used in Applicants' invention, but only as a transition state and not as a final state. That is, all pixels in the present invention are switched from the FC state to the P state via the H state, and then are switched from the P state to the FC state either directly or are left in the P state to produce a display having some pixels in the P state and some in the FC state. Both the FC state and the P state are stable at zero applied voltage. In contrast, the FC state and the H state used in *Mochizuki* are bistable with the bias voltage V_d and does not involve setting the pixels to the P state. Hence, there are clear and fundamental differences between the claimed invention and the disclosure of *Mochizuki* patent. As such, the *Mochizuki* patent does not anticipate claims 6 and 17.

Claims 7-16, 18, 19 and 21 depend from one of claims 6 and 17 and are therefore allowable at least for the above reasons, and further for the additional points of distinction defined in each of these claims. Because the distinction between independent claims 1 and 17 and the applied art is clear, Applicants will not belabor discussion of each and every rejected dependent claim. Applicants note, however, that further distinctions exist therein.

For example, claim 16 recites that the display is incorporated into a pager or cellular telephone. With respect to this claimed subject matter, the Office Action cites column 1, lines 23-28 of the *Mochizuki* patent as allegedly disclosing this feature.

However, there is no disclosure of a pager or cellular telephone in this, or any other part of the *Mochizuki* patent.

It should be noted that the Office inappropriately asserts that features recited in claims 10, 11, 14 and 19 are anticipated because they allegedly are "design choices." However, as pointed out above, anticipation of a claim requires that a prior art reference disclose each and every claimed feature. The allegations in the Office Action directed to "design choices" are misplaced and do not substitute for the required showing that the applied reference either explicitly or inherently disclose every claimed feature.

These are but a few examples of several regarding the recitations of the dependent claims being separately patentable from the applied art.

Applicants note with appreciation the Examiner's indication that claim 20 contains allowable subject matter. However, for at least the above reasons, it is respectfully submitted that all claims 6-21 are allowable for the above stated reasons.

Finally, Applicants submitted a Declaration under 37 C.F.R. § 1.131 on December 12, 2002. It is respectfully requested that the Examiner acknowledge receipt of the Declaration and indicate that whether it has been considered.

It is respectfully submitted that this application is in condition for allowance and a notice to that effect is earnestly solicited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: John F. Guay
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Date: August 25, 2003